

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

- 1. Name of Board, Committee or Council:** Board of Medical Examiners
- 2. Rulemaking hearing date:** November 21, 2006
- 3. Types of small businesses that will be directly affected by the proposed rules:**

Amendment to Rule 0880-2-.21

Physicians and/or medical practices that are currently performing or are considering performing Level III surgeries in their offices.

Amendments to Chapter 0880-5

- (a) Providers of classroom education and clinical training for limited scope x-ray operators; and
- (b) Limited scope x-ray operators who provide their services in physician offices as independent contractors, rather than as employees; and
- (c) Physicians, who as employers of limited scope x-ray operators, pay for and/or provide their classroom education and clinical training.

- 4. Types of small businesses that will bear the cost of the proposed rules:**

Amendment to Rule 0880-2-.21

Physicians and/or medical practices that are currently performing or are considering performing Level III surgeries in their offices.

Amendments to Chapter 0880-5

- (a) Providers of classroom education and clinical training for limited scope x-ray operators; and
- (b) Limited scope x-ray operators who provide their services in physician offices as independent contractors, rather than as employees; and
- (c) Physicians, who as employers of limited scope x-ray operators, pay for and/or provide their classroom education and clinical training.

Even though the above types of small business will bear the cost of the proposed rules, there are aspects of the proposed rules that the Board anticipates will reduce, rather than increase, small business expenses.

5. Types of small businesses that will directly benefit from the proposed rules:

Amendments to Chapter 0880-5

- (a) Providers of classroom education and clinical training for limited scope x-ray operators; and
- (b) Limited scope x-ray operators who provide their services in physician offices as independent contractors, rather than as employees; and
- (c) Physicians, who as employers of limited scope x-ray operators, pay for and/or provide their classroom education and clinical training; and
- (d) Physicians, who as employers of limited scope x-ray operators, may have less need for the services of higher-paid, fully certified (RTs) x-ray operators.

Even though the above types of small business will benefit from the proposed rules, there are aspects of the proposed rules that the Board anticipates will increase, rather than reduce, small business expenses.

6. Description of how small business will be adversely impacted by the proposed rules:

Amendment to Rule 0880-2-.21

If the proposed rule amendment is adopted and becomes effective, there will be fewer Level III surgeries performed in the offices of physicians and/or medical practices. Also, the physicians and/or medical practices which choose to comply with the proposed rule amendment will have more paperwork and inspections, and will have to pay a site survey fee.

Amendments to Chapter 0880-5

Providers of classroom education for limited scope x-ray operators will initially have additional routine course development and presentations expenses because of the proposed changes to requirements but will also have additional routine revenue coming from the increase in required classroom education. The proposed net reduction in clinical training may have only minimal impact to providers of clinical training because some specialties require increased clinical training while others require less clinical training.

Anyone who bears the cost of the classroom education and/or clinical training will be adversely impacted if the applicable specialties result in additional expenses for education and/or training.

7. Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:

Amendment to Rule 0880-2-.21

It would be less burdensome to not promulgate this proposed rule amendment, but the Board is attempting to address concerns raised by the Tennessee Hospital Association.

Amendments to Chapter 0880-5

The Board believes there is no alternative to requiring education and training in quantities sufficient to protect the health, safety and welfare of Tennesseans.

8. Comparison of the proposed rule with federal or state counterparts:

Amendment to Rule 0880-2-.21

The Board is not aware of any federal counterparts. However, the Tennessee Board of Osteopathic Examination, whose licensees also have full surgical privileges, have chosen to not have office surgery rules.

Amendments to Chapter 0880-5

The Board is not aware of any federal counterparts. However, of the thirty-five (35) states which issue limited x-ray licenses, thirty-three (33) of those states (as well as the Tennessee Board of Osteopathic Examination) do not limit the spine specialty's scope of practice.